

CHAPTER NO. 188

HOUSE BILL NO. 294

By Representatives Garrett, Maddox, Brenda Turner

Substituted for: Senate Bill No. 517

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 5, relative to funeral directors and embalmers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-301, is amended by deleting subsection (b) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 62-5-302, is amended by deleting the language "shall be made available to the applicant for examination in the presence of a member of the board," and by substituting instead the language "shall be made available to the applicant for examination in the presence of a member of the board or representatives of the examination testing service,".

SECTION 3. Tennessee Code Annotated, Section 62-5-306(b), is amended by deleting the language "Examinations shall be held twice each year," and by substituting instead the language "Examinations shall be held not less than twice each year,".

SECTION 4. Tennessee Code Annotated, Section 62-5-308(b), is amended by deleting the language "Examinations shall be held twice each year," and by substituting instead the language "Examinations shall be held not less than twice each year,".

SECTION 5. Tennessee Code Annotated, Section 62-5-305(a)(6)(A), is amended by deleting the language "school for funeral directors" and by substituting instead the language "mortuary school".

SECTION 6. Tennessee Code Annotated, Section 62-5-305(a)(6)(B), is amended by deleting the language "such funeral directors' school," and by substituting instead the language "such mortuary school,".

SECTION 7. Tennessee Code Annotated, Section 62-5-305(b), is amended by deleting the language "The applicant upon entering a funeral directors' school or the employ of a funeral director, with intent of obtaining a license, shall register as a student or apprentice with the board," and by substituting instead the language "The applicant, upon entering a mortuary school or the employ of a funeral director, whichever occurs first, with the intent of obtaining a license, shall register with the board,".

SECTION 8. Tennessee Code Annotated, Section 62-5-305(c), is amended by deleting the language "The registration as a student or apprentice is valid for a period of one (1) year from the date of registration" and by substituting instead the language "The registrations shall be valid for a period of two (2) years from the date of registration and the registrant shall indicate on the registration form whether he or she intends to qualify under the provisions of subdivision (a)(6)(A) or (a)(6)(B) of this section".

SECTION 9. Tennessee Code Annotated, Section 62-5-306(c), is amended by deleting the language "The license shall be signed by all members of the board and attested by its seal.".

SECTION 10. Tennessee Code Annotated, Section 62-5-307(c), is amended by deleting the language "in a regular school of embalming" and by substituting instead the language "in a mortuary school".

SECTION 11. Tennessee Code Annotated, Section 62-5-307(d), is amended by deleting the subsection in its entirety and by substituting instead the following new subsection (d):

(d) When beginning either the required apprenticeship or the required course of study, whichever occurs first, the person shall file an application for a certificate of registration with the board and shall pay a fee in the amount to be established by the board. Such registration shall be valid for a period of two (2) years from the date of registration. During the apprenticeship period, the person shall assist in at least twenty-five (25) embalmings and shall report on a quarterly basis to the board such information as the board may require. The application for a certificate of registration shall be verified under oath, giving the name of the person or persons under whom the applicant will work, the date of beginning such work, and stating that the applicant will do actual work as a paid assistant in the preparation and care of dead human bodies.

SECTION 12. Tennessee Code Annotated, Section 62-5-308(c), is amended by deleting the language "embalming, signed all members of the board and authenticated by its seal." and by substituting instead the language "embalming.".

SECTION 13. Tennessee Code Annotated, Section 62-5-311(b), is amended by deleting the language "a grade of seventy-five percent (75%) or better" and by substituting instead the language "a scaled score of seventy-five (75) or better".

SECTION 14. Tennessee Code Annotated, Section 62-5-316, is amended by deleting the section in its entirety and substituting instead the following new section:
62-5-316

(a) Any license which is not renewed by its expiration date becomes invalid. The holder of such invalid license shall not practice the profession for which the license was issued, nor shall an establishment be operated if such establishment license has become invalid, until such time as the license has been renewed or reinstated or a new license has been issued.

(b) When any license issued by the board becomes invalid because of nonrenewal, the executive director shall send a written notice to the license holder at the license holder's last known address, informing the license holder that such license holder cannot practice that profession or operate that establishment until the invalid license is renewed or reinstated or a new license is issued. The notice shall also state that the license may be renewed or reinstated at any time within sixty (60) days of the license expiration date by payment of the renewal fee and of a penalty fee in an amount to be established by the board. Any license not renewed or reinstated within sixty (60) days of the license expiration date shall not be subjected to renewal or reinstatement and the license holder shall reapply as for an initial license; provided, any examination shall be limited to the provisions of Title 56, Chapter 34 and Title 62, Chapter 5 and any rules promulgated thereunder if the reapplication is received by the board not more than one (1) year after the license expiration date.

SECTION 15. Tennessee Code Annotated, Section 62-5-306, is amended by adding a new subsection, to be appropriately numbered, as follows:

() The current license of each funeral director shall be available for inspection in the office of the funeral establishment in which such funeral director works. If a funeral director works in more than one (1) establishment, the funeral director shall obtain from the board, for a fee established by the board, the number of duplicate licenses necessary to have a license available for inspection at each establishment at which the funeral director works.

SECTION 16. Tennessee Code Annotated, Section 62-5-308, is amended by adding a new subsection, to be appropriately numbered, as follows:

() The current license of each embalmer shall be available for inspection in the office of the funeral establishment in which such embalmer works. If an embalmer works in more than one (1) establishment, the embalmer shall obtain from the board, for a fee established by the board, the number of duplicate licenses necessary to have a license available for inspection at each establishment at which the embalmer works.

SECTION 17. Tennessee Code Annotated, Section 62-5-313, is amended by adding a new subsection, to be appropriately numbered, as follows:

() Each funeral establishment have its current license available for inspection in the office of the funeral establishment.


SECTION 18. This act shall take effect on July 1, 2001, the public welfare requiring it.

PASSED: May 2, 2001


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 10th day of May 2001


DON SUNDQUIST, GOVERNOR